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Argentine Officer to Be Retried in Rights Case

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BUENOS AIRES—In a victory for human rights activists, a federal appeals court reinstated charges Friday against a naval officer accused of shooting and kidnaping a teen-age girl during Argentina's so-called dirty war against terrorism in the 1970s.

The decision added to the discontent among military officers already infuriated by the trial of three former military presidents and six fellow members of their ruling juntas, all charged with responsibility for murder, kidnaping and torture. About 300 of 2,000 scheduled witnesses have given testimony in the juntas' trial, which completed its sixth week Friday.

In a rare public hearing in the same courtroom, the three-judge appeals court overruled a military tribunal that had absolved Navy Lt. Alfredo Astiz. The court found that the tribunal had acted without investigating the facts in the 1977 disappearance of Dagmar Hagelin, who held dual Swedish and Argentine nationality.

New Trial Ordered

The appeals court refused to assume jurisdiction in the case, as requested by federal prosecutors and the girl's father. It ordered the same military tribunal, with new judges, to conduct Astiz's new trial.

Astiz, 34, the son of a retired admiral, has become a key figure in the aftermath of the 1976-80 military repression of Argentine guerrillas. Dagmar Hagelin, who was 17 when she disappeared, is one of about 9,000 people still missing, by the count of President Raul Alfonsin's civilian government.

Astiz, who appeared in court in uniform, is the first junior officer to face charges of human rights abuses. His appearance in court was also a first—the accused junta leaders are all exercising their rights under Argentine law not to attend the

proceedings against them.

Astiz listened impassively while an attorney representing Ragner Hagelin, the missing girl's father, denounced as a parody the military proceeding that absolved him. Astiz declined to speak in his own defense.

Reluctant Tolerance

The military has reluctantly tolerated the proceedings against its former commanders but has taken a different view of charges against junior officers, who are considered by their colleagues to be without guilt because they were following orders. Argentine newspapers say that four different groups of junior officers have approached their superiors in recent days demanding that Astiz not be prosecuted.

Smouldering right-wing unrest surfaced earlier this week with the government assertion that it had uncovered arms caches belonging to a terrorist organization made up of former members of intelligence services.

The recent kidnaping of an industrialist and the bombing of a radio station are also blamed on the group, whose purpose, an Interior Ministry spokesman said, is "to destabilize the constitutional government." The spokesman said that the terrorism is directly linked to the junta trial.

Friend's Arrest

Human rights advocates consider Astiz a particularly appropriate target for trial. They say that as a military intelligence officer, he posed as the relative of a *desaparecido*—one of the thousands who disappeared—to infiltrate human rights groups and target their leaders.

Witnesses quoted by a presidential human rights investigating commission say they saw Astiz shoot Dagmar Hagelin when she happened on military intelligence

agents arresting a friend of hers. According to the witnesses, Astiz bundled the wounded girl into the trunk of a car and drove her to a school for navy mechanics that was a clandestine detention and torture center. She has not been seen since.

Human rights groups charge that Astiz was responsible for more than a dozen disappearances. A civilian judge is weighing accusations against him in the case of two French nuns presumably murdered after they were kidnaped from a Buenos Aires church in December, 1977. An Argentine lawyer representing the French government on behalf of the nuns said that he expects the judge to forward the case to the military tribunal for trial.

Astiz first drew international attention in 1982 when he surrendered South Georgia Island to the British in the war over the Falkland Islands. Military charges are pending against him for not defending the island more vigorously.